

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

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U.S. DISTRICT COURT
MEMPHIS, TENNESSEE
D.C.

NANCY WILLOUGHBY,)
Plaintiff,)
v.) Civil No. 1:05-CV-1229
HARTFORD LIFE AND ACCIDENT)
INSURANCE COMPANY,)
Defendant.)

PROPOSED JOINT SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following date are established as the final dates for:

1. This Court has subject matter jurisdiction of this civil action pursuant to the civil enforcement provision of ERISA, 29 U.S.C. 1132(e)(1).
2. In this action, Plaintiff has brought an ERISA claim for benefits, attorneys fees, and costs. Defendant has denied responsibility for any of these benefits, fees, or costs. Defendant contends that discovery is not proper.
3. The parties agree that, with certain limited exceptions, civil actions for plan benefits under ERISA are generally resolved upon the parties' motions for judgment based upon the existing administrative record. Therefore, the parties do not anticipate submitting Rule 26(a) disclosures, propounding discovery, or responding to written discovery.

4. At this juncture, Defendant has not submitted the administrative record to either the Plaintiff or the Court for inspection. Accordingly, the Defendant shall submit the administrative record no later than December 20, 2005. Plaintiff shall then have a reasonable opportunity to inspect the administrative record to determine whether Plaintiff contends discovery is warranted. If Plaintiff believes discovery is required, Plaintiff shall submit a written motion to the Court explaining the basis for said discovery no later than February 3, 2006. The Defendant will have fifteen (15) days thereafter to respond to Plaintiff's motion.

5. In lieu of a trial, the parties shall each file motions for judgment by April 3, 2006. Response briefs shall be due May 3, 2006. In the event either party wishes to file a reply brief, leave of court must be obtained.

IT IS SO ORDERED.

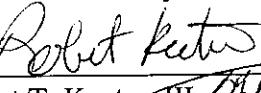


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: December 02, 2005

Dated: December 1, 2005

Approved for entry:

By: 
Robert T. Keeton III 
Keeton Law Offices
20240 East Main Street
PO Box 647
Huntingdon, TN 38344
731-986-4444

Attorneys For Nancy Willoughby

By: 
David A. Thornton (BPR #11158)
BASS, BERRY & SIMS, PLC
100 Peabody Place, Suite 900
Memphis, Tennessee 38103-3672
(901) 543-5922

Attorneys for Defendant

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been previously faxed to counsel and approved for filing.


Attorney for Defendant



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 1:05-CV-01229 was distributed by fax, mail, or direct printing on December 7, 2005 to the parties listed.

Robert T. Keeton
KEETON LAW OFFICES
20240 East Main St.
Huntingdon, TN 38343

David A. Thornton
BASS BERRY & SIMS PLC- Memphis
100 Peabody Place
Ste. 900
Memphis, TN 38103

Honorable James Todd
US DISTRICT COURT